

REMARKS

Status of the Prosecution

In response to the Final Action mailed November 16, 2007, Applicants filed an Amendment under 37 C.F.R. § 1.116 dated January 17, 2008. In the Advisory Action mailed November 16, 2007 the Examiner declined to enter the amendments because they raised new issues for search and consideration as well as potentially new matter.

The Advisory Action states that claims 69, 70, 72, 76, 77, and 142 are allowed.

In the Office Action mailed November 16, 2007, independent claims 140 and 141 were rejected under 35 U.S.C. § 112. Claims 140 and 141 are currently amended to address the 35 U.S.C. § 112 rejection and thereby place these claims in condition for allowance.

Applicants thank the Examiner for their time and consideration during the telephonic interview of March 20, 2008. During the Interview, claim amendments were discussed for claims previously noted as being allowable if rewritten in independent form, as well as amendments to address indefiniteness issues.

Status of the Claims

Claims 69, 70, 72, 76, 77, and 142 are allowed. Claims 1, 3-68, 75 and 138-141 stand rejected. Claims 1-68, 71, 73-75, and 78-139 are canceled. Claims 140 and 141 are amended.

Claim Amendments

Claim 140 is amended to consistently recite “carrier-mediated transport protein”. Support for these amendments can be found, for example, on page 9, lines 17-21 of the originally filed specification.

Claim 141 is amended by replacing “the population of cells” in the second to last line with “the cell” to establish proper antecedent basis.

Thus, the amendments to the claims are fully supported by the specification as originally filed and add no new matter.

Claim Rejections – 35 U.S.C. § 112, second paragraph

5.B. The Examiner rejects claim 1 and all dependent claims as lacking antecedent basis for the element “the plasma membrane of the cell surface.” Applicants have canceled claim 1 and all claims depending from claim 1 thereby rendering the rejection of these claims under 35 U.S.C. § 112, second paragraph, moot.

Claim Rejections – 35 U.S.C. § 102

7. The Examiner rejects claim 75 under 35 U.S.C. § 102(b) as being anticipated by Swanson *et al.* as evidenced by Ozkan *et al.* Applicants have canceled claim 75, thereby rendering the rejection moot.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection of claim 75 under 35 U.S.C. § 102(b) as anticipated by Swanson *et al.*

Claim Rejections – 35 U.S.C. § 112, second paragraph

9.A. The Examiner rejects claim 140 under 35 U.S.C. § 112, second paragraph as being indefinite in the use of the word “type” in the phrase “carrier-type”. Applicants have amended claim 140 by replacing the phrase “carrier-type” with “carrier-mediated” thereby addressing the Examiner’s rejection.

9.B. The Examiner rejects claim 141 under 35 U.S.C. § 112, second paragraph as having insufficient basis for the element “the population of cells” in the second to last line. Applicants have amended claim 141 by replacing the phrase “the population of cells” in the second to last line with the phrase “the cell” thereby establishing antecedent basis and addressing the Examiner’s rejection.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection of claims 140 and 141 under 35 U.S.C. § 112, second paragraph.

Appl. No. 09/661,927
Amdt. dated March 21, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 1639

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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